

AFFIDAVIT OF BRENDAN C. FOGERTY

I, Brendan C. Fogerty, do hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed as a Special Agent of the FBI since September 2014. I am currently assigned to the FBI Boston Division, Violent Crime Task Force/Bank Robbery Task Force. From September 2014 to January 2015, I attended the FBI Academy at Quantico, Virginia. While at the academy, I conducted 100 hours of investigative training, 90 hours of legal training, and 33 hours of evidence preservation training. I completed 121 hours of practical applications training, which combined tactical, investigative, legal, evidence preservation, and interviewing in various scenarios.

2. As a Special Agent with the Violent Crimes Task Force, I have responded to several bank robberies. I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation.

3. I am aware that Title 18, United States Code, Section 2113(a) makes it a crime to use force and violence, or intimidation, to take, or attempt to take, from the person or presence of another, any property or money or any other thing of value belonging to, or in the care custody, control, management,

or possession of, any federally insured bank or credit union. I make this affidavit in support of a criminal complaint charging Kim N. Daley ("Daley"), DOB xx/xx/1970, with the following robberies in violation of 18 U.S.C. § 2113(a): a branch of East Cambridge Savings Bank at 2067 Massachusetts Avenue, Cambridge, Massachusetts on June 1, 2015; a branch of Rockland Trust located at 229 North Harvard Street, Allston, Massachusetts on August 7, 2015; and a branch of Naveo Credit Union at 251 Hampshire Street, Cambridge, Massachusetts on August 14, 2015. On the dates of these robberies, the East Cambridge Savings Bank and the Rockland Trust were insured by the Federal Deposit Insurance Corporation, and the Naveo Credit Union was insured by the National Credit Union Administration. The facts stated herein are known to me through my participation in this investigation and through observations made by others with whom I have spoken. This affidavit does not contain all the facts known to me, but rather those which are sufficient to establish probable cause that the above identified bank robberies were committed by Kim N. Daley.

EAST CAMBRIDGE SAVINGS BANK June 1, 2015

4. On June 1, 2015, at approximately 4:58 p.m., an individual entered the East Cambridge Savings Bank located at 2067 Massachusetts Avenue, Cambridge, Massachusetts. The individual

approached a teller, removed a piece of white paper from his pocket, and held the paper up for the teller to read. The teller handed the individual \$2,601 in US currency and the individual left the bank.

5. Following the robbery the teller was interviewed. The teller stated that the paper held up by the robber read in substance, give me all the money this is a robbery, no dye packs I have a gun or everyone will die.

6. The teller described the individual as a black male, approximately 5'2", wearing a black hooded sweatshirt, and a black baseball hat.

7. Bank surveillance cameras were functioning and operating on the date of the robbery. The cameras captured images of the individual as he entered the bank, interacted with the teller and left the bank.

IDENTIFICATION OF KIM N. DALEY

7. Following the June 1, 2015 robbery of the East Cambridge Savings Bank branch described above, photos of the subject were circulated on the Massachusetts Crime Network. A Massachusetts State Parole Officer recognized the subject as one of his parolees, Daley, and notified the Cambridge Police Department, and identified Daley as the individual depicted in the photos which were taken from the East Cambridge Savings Bank surveillance cameras.

ROCKLAND TRUST August 7, 2015

8. On August 7, 2015 at approximately 2:07 p.m., an individual entered a branch of Rockland Trust located at 229 North Harvard Street, Allston, Massachusetts. The individual approached a teller, removed a piece of paper from his pocket, and held up the paper for the teller to read.

9. The teller stated that the paper held up by the robber read in substance, this is a robbery no dye packs. The individual then placed the paper back in his pocket and the teller handed the individual \$1,605 in US currency including a dye pack. The individual took the currency and left the bank heading in the direction of North Harvard Street.

9. The teller was interviewed after the robbery and described the individual as a black male with dark skin, approximately 4'10", wearing a black baseball cap with some design on it, and black shorts. Following the robbery, the dye pack inserted within the currency was found on North Harvard Street, Allston, a short distance from the bank.

10. A second teller who witnessed the same robbery described the individual as a very short, black male with dark skin, wearing black jean shorts, a black t-shirt with "Republic" written on the front, a black baseball cap, and black sneakers.

11. Bank surveillance cameras were functioning and operating on the date of the robbery. The cameras captured images of the individual as he entered the bank, interacted with the teller, and left the bank.

12. On August 12, 2015, members of the FBI met with the two tellers who had interacted with the individual during the August 7, 2015 robbery of the Rockland Trust. The tellers were individually shown photo arrays. Each of the photo arrays contained a photograph of Daley. One teller positively identified Daley as the individual who had robbed the Rockland Trust on August 7, 2015. The other teller was unable to make a positive identification.

NAVEO CREDIT UNION August 14, 2015

13. On August 14, 2015, at approximately 5:50 p.m., an individual entered a branch of Naveo Credit Union at 251 Hampshire Street, Cambridge, Massachusetts. The individual approached a teller and held up a piece of paper for the teller to read.

14. The teller stated that the paper held up by the robber read in substance, I have a gun, No funny business, No dye packs. Give me all the money in the drawer. The individual then stated, "Hurry up, I have a gun. I have a gun." The teller

handed the individual \$4,133 in US currency and the individual left the bank.

14. The teller was interviewed after the robbery. The teller described the individual as a short black male, approximately 4'10", with a dark complexion, stocky build, and a shaved head.

15. Credit Union surveillance cameras were functioning and operating on the date of the robbery. The cameras captured images of the individual as he entered the credit union, interacted with the teller and then left the credit union.

16. Members of law enforcement viewed images from the credit union's surveillance cameras and concluded that the individual depicted in this robbery was the same individual who had robbed the East Cambridge Bank on June 1, 2015, and the same individual who had robbed the Rockland Trust on August 7, 2015. That individual was Daley

THE ARREST OF DALEY

17. On August 13, 2015, a warrant was issued by the Brighton District Court charging Daley with the robbery of the Rockland Trust on August 7, 2015.

18. On August 14, 2015, warrants were issued by the Cambridge District Court charging Daley with the robberies of the East Cambridge District Court on June 1, 2015 and the Naveo Credit Union on August 14, 2015.

19. On August 21, 2015, Daley was arrested by agents of the U.S. Marshals Service in New York City.

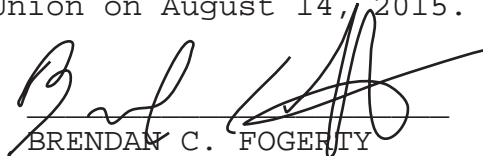
20. On September 4, 2015, Daley was extradited and transported to Cambridge, Massachusetts by the Cambridge Police Department.

21. On September 4, 2015, Daley was interviewed by state and federal law enforcement officers after having been advised of his Miranda Rights and signing a waiver of those rights. Daley was further also advised, and he agreed that the interview would be recorded. During the interview, Daley was shown photographs from each of these robberies. Daley identified himself as the robber in each of the photographs and initialed each photo.

CONCLUSION

23. Based on the foregoing, I submit that there is probable cause to believe that Kim N. Daley committed the following robberies in violation of 18 U.S.C. § 2113(a): the East Cambridge Savings Bank on June 1, 2015; the Rockland Trust on August 7, 2015; and Naveo Credit Union on August 14, 2015.




BRENDAN C. FOGERTY
Special Agent FBI

Sworn and subscribed to before me this 28th day of December, 2015


DONALD L. CABELL
United States Magistrate Judge